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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,870	07/31/2001	John L. Blair	3731-0147P	2060
47396	7590	02/23/2005	EXAMINER	
HITT GAINES, PC AGERE SYSTEMS INC. PO BOX 832570 RICHARDSON, TX 75083			UBILES, MARIE C	
			ART UNIT	PAPER NUMBER
			2642	

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/917,870	BLAIR ET AL.
Examiner	Art Unit	
Marie C. Ubiles	2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 31 July 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3 and 16 is/are rejected.
- 7) Claim(s) 4-15 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/31/01.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Oath/Declaration

1. Applicant has not given a post office address anywhere in the application papers as required by 37 CFR 1.33(a), which was in effect at the time of filing of the oath or declaration. A statement over applicant's signature providing a complete post office address is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Ozluturk et al. (US 6,434,135).

As for claim 1, Ozluturk et al. discloses a method of controlling power of a transmitted communication signal (See Col. 1, lines 8-10) comprising, amplifying a communication signal (See Col. 3, lines 51-53); transmitting the amplified communication signal (as read on "radiated by antenna 40"); receiving at least one parameter on the transmitted signal (as read on "...the clipping circuitry is applicable to systems utilizing adaptive power control", and the functions performed in Col. 2, lines 2-

28 and Col. 4, lines 28-35); determining a measure of interference (or “transmittal signal-to-noise ratio”) with the transmitted signal based on the received parameter (See Col. 4, lines 11-15 and lines 23-29); and increasing an average power level of the communication signal by clipping the communications signal prior to amplification by an amount based on the determined measure (as read on “beta will be two times the standard deviation”, See Col. 4, lines 36-47).

As for claim 2, the limitation reads in Ozluturk’s “transmittal signal-to-noise ratio” (See Col. 4, line 3).

Claim 3 limitations read on the functions performed by Orluturk’s system in Col. 4, lines 41-46.

As for claim 16, Orkulutz et al. discloses in Fig. 5, the claimed apparatus for controlling power of a transmitted signal, comprising a limiter clipping a received signal based on a first control signal (or signal limiter 50); a gain controller adjusting a gain of output from the limiter based on a second control signal (or processor 54) and a controller receiving a communication signal including a parameter on a signal transmitted by the apparatus (or power measurement device 52), determining a measure of interference with the transmitted signal based on that parameter (See Col. 4, lines 11-15 and lines 23-29), and generating the first and second signals such that an average power level of the transmitted signal is increased based on the determined measure (as read on “beta will be two times the standard deviation”, See Col. 4, lines 36-47).

Allowable Subject Matter

4. Claims 4-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 4 recites "increasing step increases the average power level by a first amount if the determining step determines ...short term interference", "increases the average power level by a second amount if the determining step determines...long term interference" and "the first amount being grater than the second amount".

Claim 12 recites determining "if the SRN exceed a first threshold...a second threshold...a third threshold...a fourth threshold...".

Claim 13 recites the increasing step including "first clipping the...signal ...if the determining step determines that short term interference...exists" and "second clipping...the signal...if the determining step determines that long term interference....exists...".

No prior art was found teaching individually, or suggesting in combination the aforementioned limitations.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McNicol et al. (US 5,170,495) teaches a method and system for controlling clipping in a microwave power amplifier.

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Lundh et al. (US 6,765,899) teaches a method and apparatus for clipping signals in a CDMA system.

Evans (US 6,556,629) teaches an orthogonal signal transmitter.

Schenk (US 6,529,925) teaches a method for reducing the crest factor of a signal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie C. Ubiles whose telephone number is (703) 305-0684. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marie C. Ubiles
February 16, 2005.


AHMAD F. MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2700